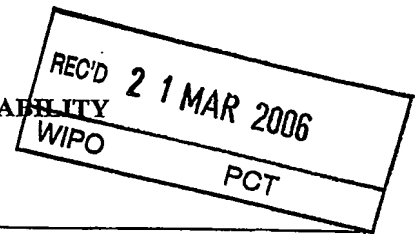


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



| | | |
|---|---|---|
| Applicant's or agent's file reference F-245-PCT | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/KR2004/000305 | International filing date(day/month/year) 16 FEBRUARY 2004 (16.02.2004) | Priority date (day/month/year) 07 NOVEMBER 2003 (07.11.2003) |
| International Patent Classification (IPC) or national classification and IPC A43B 13/14(2006.01)i | | |
| Applicant KANG, Hamm-chan | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

| | |
|--|---|
| Date of submission of the demand 17 FEBRUARY 2004 (17.02.2004) | Date of completion of this report 23 FEBRUARY 2006 (23.02.2006) |
| Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140 | Authorized officer PARK, Young Joon  Telephone No. 82-42-481-5618 |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/000305

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☒ This report is based on translations from the original language into the following language English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☒ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished

- ☐ the description:
pages _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____

- ☐ the claims:
pages _____ as originally filed/furnished
pages* _____ as amended (together with any statement) under Article 19
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____

- ☐ the drawings:
pages _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____

- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/000305

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|-----|-----|
| Novelty (N) | Claims | 1-3 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 3 | YES |
| | Claims | 1-2 | NO |
| Industrial applicability (IA) | Claims | 1-3 | YES |
| | Claims | | NO |

2. Citations and explanations (Rule 70.7)

1) Reference is made to the following document:

D1: JP 10-165203 A

2) Reasoned statement with regard to novelty, inventive step and industrial applicability

The present invention relates to a shoe comprising: layers including a cup-insole layer, a midsole layer, a high elasticity sponge layer, a cushion layer, and a bottom rubber sole; a plurality of round-shaped seat holes of which the size is getting smaller toward the front part, formed at the bottom rubber sole mounted at the lower part of said cushion layer; metal balls to be fixed in said seat holes; and refraction line holes formed in the width direction at the front of said bottom rubber sole.

D1 relates to a shoe wherein a plate or block-shaped hole is transversely formed in the inside area except for an upper surface outer peripheral part of its main sole, and a weight member is integrated therein.

Concerning claims 1-2:

D1 does not disclose the technical feature of the present claims 1 and 2 such as layers including a cup-insole layer, a midsole layer, a high elasticity sponge layer, a cushion layer, and a bottom rubber sole; a plurality of round-shaped seat holes of which the size is getting smaller toward the front part, formed at the bottom rubber sole mounted at the lower part of said cushion layer; and metal balls to be fixed in said seat holes.

(Continued on Supplemental Sheet.)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/000305

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box V.

Therefore claims 1 and 2 are considered novel under PCT Article 33(2) that shall apply mutatis mutandis to PCT Rule 43bis.1(b). However such a technical feature can be easily configured with a simple design procedure by a person skilled in the art from the technical feature of the shoe of D1 wherein a plate or block-shaped hole is transversely formed in the inside area except for an upper surface outer peripheral part of its main sole, and a weight member is integrated therein. Therefore claims 1 and 2 are not considered inventive under PCT Article 33(3) that shall apply mutatis mutandis to PCT Rule 43bis.1(b).

Concerning claim 3:

The technical feature of the refraction line holes formed in the width direction at the front of said bottom rubber sole of the present claim 3 is not disclosed in D1, and is not obvious to a person skilled in the art.

Therefore, claim 3 meets the requirements of PCT Article 33(2) and (3) that shall apply mutatis mutandis to PCT Rule 43bis.1(b) with respect to novelty and inventive step.

Claims 1 to 3 meet the criteria set out in PCT Article 33(4) that shall apply mutatis mutandis to PCT Rule 43bis.1(b), because all the claims are considered to be industrially applicable.